

The Senate Committee on State and Local Governmental Operations offered the following substitute to HB 695:

**A BILL TO BE ENTITLED
AN ACT**

1 To amend an Act to incorporate the City of Brookhaven in DeKalb County, approved
2 April 16, 2012 (Ga. L. 2012, p. 5527), as amended, so as to increase the term limit of the
3 mayor; to repeal expired provisions related to election of mayor and councilmembers during
4 the first four years of the city's existence; to provide for the filling of vacancies in the offices
5 of mayor and councilmembers of more than 12 months; to provide for the filling of vacancies
6 in the offices of mayor and councilmembers of less than 12 months; to provide for related
7 matters; to provide for a referendum; to provide for contingent effective dates and automatic
8 repeal; to repeal conflicting laws; and for other purposes.

9 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

10 **SECTION 1.**

11 An Act to incorporate the City of Brookhaven in DeKalb County, approved April 16, 2012
12 (Ga. L. 2012, p. 5527), as amended, is amended by revising subsection (d) and repealing
13 subsection (f) of Section 2.02 as follows:

14 "(d) The number of consecutive terms an individual may hold in the position of mayor
15 shall be limited to three consecutive four-year terms and shall not include any partial term
16 of office served as mayor. This section shall apply to any incumbent in office at the time
17 the section becomes effective and all prior service of any incumbent shall be counted
18 toward this term limit."

19 **SECTION 2.**

20 Said Act is further amended by revising subsections (b) and (c) of Section 2.03 as follows:
21 "(b) The office of mayor shall become vacant upon the incumbent's death, resignation,
22 forfeiture of office, or removal from office in any manner authorized by this Charter or the
23 general laws of the State of Georgia. Unless otherwise provided herein, a vacancy in the
24 office of mayor shall be filled for the remainder of the unexpired term by the city council
25 or those members remaining who shall appoint a successor for the remainder of the term.

26 This provision shall also apply to a temporary vacancy created by the suspension from
27 office of the mayor. If more than 12 months remain in the unexpired term, a special
28 election shall be held on the Tuesday after the first Monday in November following the
29 creation of the vacancy. Any person appointed to the office of mayor shall not be entitled
30 to be shown on the ballot as the incumbent in such special election.

31 (c) The office of a councilmember shall become vacant upon the incumbent's death,
32 resignation, forfeiture of office, or removal from office in any manner authorized by this
33 Charter or the general laws of the State of Georgia. Unless otherwise provided herein, a
34 vacancy in the office of a councilmember shall be filled for the remainder of the unexpired
35 term by the mayor who shall appoint a successor for the remainder of the term subject to
36 the approval of the city council or those members remaining. This provision shall also
37 apply to a temporary vacancy created by the suspension from office of a councilmember.
38 If more than 12 months remain in the unexpired term, a special election shall be held on
39 the Tuesday after the first Monday in November following the creation of the vacancy.
40 Any person appointed to the office of councilmember shall not be entitled to be shown on
41 the ballot as the incumbent."

42 **SECTION 3.**

43 The election superintendent of the City of Brookhaven shall call and conduct an election as
44 provided in this section for the purpose of submitting Section 1 of this Act to the electors of
45 the City of Brookhaven under this Act for approval or rejection. The election superintendent
46 shall conduct such election on the Tuesday after the first Monday in November, 2019, and
47 shall issue the call and conduct such election as provided by general law. The election
48 superintendent shall cause the date and purpose of the election to be published once a week
49 for two weeks immediately preceding the date thereof in the official organ of the City of
50 Brookhaven. The ballot shall have written or printed thereon the words:

51 "() YES Shall the section of the Act be approved which increases the number of
52 () NO consecutive terms that may be held by the mayor of the City of Brookhaven
53 from two to three years and repeals expired provisions related to election of
54 the mayor and councilmembers during the first four years of the city's
55 existence?"

56 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring
57 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on
58 such question are for approval of the Act, then Section 1 of this Act shall become effective
59 on January 1, 2020. If more than one-half of the votes cast on such question are for rejection
60 of the Act or if the election is not held as provided in this section, then Section 1 of this Act
61 shall not become effective and this Act shall be automatically repealed on January 1, 2020.

62 The expense of such election shall be borne by the City of Brookhaven. It shall be the
63 election superintendent's duty to certify the result thereof to the Secretary of State.

64

SECTION 4.

65 Except as provided in Section 3 of this Act, this Act shall become effective upon its approval
66 by the Governor or upon its becoming law without such approval.

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SECTION 5.

68 All laws and parts of laws in conflict with this Act are repealed.